

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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In Re: PHARMACEUTICAL INDUSTRY	: MDL NO. 1456
AVERAGE WHOLESALE PRICE	: Master File No. 01-CV-12257-PBS
LITIGATION	: Judge Patti B. Saris
THIS DOCUMENT RELATES TO:	:
(All Actions)	:
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JOINT MOTION FOR ENTRY OF  
CASE MANAGEMENT ORDER NO. 6

The undersigned counsel for Plaintiffs and the remaining Defendants in the above-captioned action respectfully move this Court for the entry of proposed Case Management Order No. 6 (attached hereto as Exhibit A).

On May 13, 2003, this Court granted in part and denied in part Defendants' motions to dismiss the Master Consolidated Class Action Complaint. Under the terms of the Court's Order, the dismissals become effective thirty days after the date of the Court's Order, unless a motion to amend is filed.

Plaintiffs intend to move this Court for leave to file an amended complaint within thirty days of the date of the Court's Order. In light of Plaintiffs' intention to file an amended complaint, the parties agree that it would be inefficient for the remaining Defendants to answer the remaining claims in the Master Consolidated Class Action Complaint within ten days of the date of the Court's Order, as required by Rule 12(a) of the Federal Rules of Civil Procedure. Accordingly, the remaining Defendants respectfully request to be relieved of the obligation to answer. Plaintiffs have no objection to this request.

In addition, the parties agree that a modest extension of the deadline for the parties to make submissions with respect to case management pursuant to Case Management Order No. 5 would allow the parties an opportunity to meet and confer in light of these developments. Accordingly, the parties respectfully request that the Court extend the deadline for such submissions from May 27, 2003 to June 6, 2003.

Respectfully Submitted,

PLAINTIFFS' LEAD COUNSEL

ON BEHALF OF ALL PLAINTIFFS

By: 

DATED: May 27 2003

Thomas M. Sobol, Esq.  
Edward Notargiacomo, Esq.  
**HAGENS BERMAN, LLP**  
225 Franklin Street, 26th Floor  
Boston, MA 02110

Steve W. Berman, Esq.  
Clyde A. Platt, Esq.  
Sean R. Matt, Esq.  
Kevin P. Roddy, Esq.  
**HAGENS BERMAN, LLP**  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101

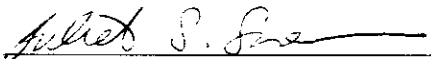
Samuel Heins, Esq.  
Bryan L. Crawford, Esq.  
Daniel E. Gustafson, Esq.  
**HEINS, MILLS & OLSON, P.C.**  
700 Northstar East  
608 Second Avenue South  
Minneapolis, MN 55402

Marc H. Edelson, Esq.  
**HOFFMAN & EDELSON**  
45 West Court Street  
Doylestown, PA 18901

Kenneth A. Wexler, Esq.  
Elizabeth Fegan Hartweg, Esq.  
**KENNETH A. WEXLER AND ASSOCIATES**  
One North LaSalle, Suite 2000  
Chicago, IL 60602

Eugene Spector, Esq.  
Jeffrey L. Kodroff, Esq.  
John A. Macoretta  
**SPECTOR, ROSEMAN & KODROFF, P.C.**  
1818 Market Street, Suite 2500  
Philadelphia, PA 19103

ON BEHALF OF THE REMAINING DEFENDANTS

By: 

DATED: May 27, 2003

Nicholas C. Theodorou, Esq. (BBO# 496730)  
Juliet S. Sorensen, Esq. (BBO# 647255)  
**FOLEY HOAG, LLP**  
155 Seaport Boulevard  
Boston, MA 02210

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**[PROPOSED] CASE MANAGEMENT ORDER NO. 6**

WHEREAS, on May 13, 2003, this Court issued a Memorandum and Order granting Defendants' motion to dismiss Plaintiffs' claims under the federal Racketeer Influenced and Corrupt Organizations Act ("RICO"), but denying Defendants' motion to dismiss Plaintiffs' claims under the Declaratory Judgment Act and various state consumer protection statutes;

WHEREAS, this Court's May 13, 2003 Memorandum and Order also dismissed the remaining Class 1 claims against certain Defendants, and the remaining Class 2 claims against other Defendants effective thirty (30) days from the date of the order unless a motion to amend is filed;

WHEREAS, Case Management Order No. 5 requires the parties to submit a case management proposal within fourteen (14) days after the Court's ruling on the Defendants' motion to dismiss;

WHEREAS, Plaintiffs intend to move for leave to file an amended complaint that will affect the individuals and entities that are party to this action, as well as the claims that are asserted, if the motion is granted;

WHEREAS, judicial economy would be best served if the remaining Defendants are relieved from their obligation to answer the remaining claims in the Master Consolidated Class Action Complaint;

WHEREAS, the parties agree that a modest extension of the deadline for making their submissions with respect to case management would enable the parties to meet and confer;

IT IS HEREBY ORDERED as follows:

1. The remaining Defendants are relieved from their obligation to respond to the remaining claims in the Master Consolidated Class Action Complaint.
2. The parties shall make their submissions with respect to case management by June 6, 2003.

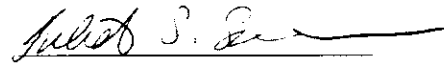
Dated: May \_\_, 2003

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Patti B. Saris  
United States District Judge

**CERTIFICATE OF SERVICE**

I certify that on May 27, 2002, a true and correct copy of the foregoing stipulation was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

A handwritten signature in cursive script, appearing to read "Juliet S. Sorensen", is written over a horizontal line.

Juliet S. Sorensen